

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROLANDO REYES et al.,

Plaintiffs,

v.

KELLY CUNNINGHAM et al.,

Defendants.

Case No. C11-5237RJB

ORDER ADOPTING A REPORT AND  
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Richard Creatura (Dkt. 2), objections to the Report and Recommendation (Dkt. 3), and the remaining record, does hereby find and **ORDER**:

1. Plaintiffs object to completing court forms regarding financial status, on the basis that they are civil detainees, not prisoners. They also contend that the claims are best brought in one complaint; and that the court should afford latitude to plaintiffs because they are proceeding *pro se*. In order for the court to determine whether each plaintiff is entitled to proceed *in forma pauperis*, each plaintiff must comply with the court's financial disclosure requirements by providing the court with a copy of his SCC trust account. Further, while there are some common themes to plaintiffs' complaint, different facts, resulting in different claims, apply to each plaintiff. The claims should best be brought in separate actions. Finally, plaintiffs are not prejudiced by a dismissal of this action without prejudice. Because plaintiffs are not prisoners, they are not required to pay the full filing fee, over time, for this case, as is required of prisoners proceeding *in forma pauperis* under 28 U.S.C. § 1915. The court **ADOPTS** the Report and Recommendation (Dkt. 2).

2. Mr. Reyes' request for appointment of counsel is not properly before the court because it was raised in the objections. Dkt. 33, at 6. Further, Mr. Reyes has not shown exceptional circumstances warranting appointment of counsel. *See Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983). Mr. Reyes' request for appointment of counsel (Dkt. 33) is **DENIED**.
3. The motion to proceed *in forma pauperis* is **DENIED** without prejudice. Plaintiffs may file separate actions under new cause numbers if they so desire. This action is **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk is directed to send a copies of this Order to plaintiffs, and to the Hon. J. Richard Creatura.

DATED this 22nd day of April, 2011.



ROBERT J. BRYAN  
United States District Judge